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6 IN THE UNITED STATES DISTRICT COURT

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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

No. C 13-00086 WHA

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Plaintiff,

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v.

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CARLOS AMAYA,

**ORDER DENYING REQUEST FOR
JUDICIAL RECOMMENDATION**

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Defendant.

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In 2013, defendant Carlos Amaya pled guilty to possession with intent to distribute methamphetamine and possession of a firearm in furtherance of a drug trafficking crime. He is currently serving an 84 month sentence on these counts. Proceeding *pro se*, Amaya requests a post-sentencing recommendation to the Federal Bureau of Prisons that Amaya be placed in a halfway house for one year (Dkt. Nos. 20, 49, 50)

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Title 18 Section 3621(b) of the United States Code provides that the BOP has discretion to place an inmate into “any available penal or correctional facility,” including community confinement. BOP may “at any time” direct a prisoner’s transfer from one such facility to another. In making its placement determination, the BOP must consider, among other things, “any statement by the court that imposed the sentence . . . recommending a type of penal or correctional facility as appropriate[.]” 18 U.S.C. § 3621(b)(4). Judicial recommendations made under Section 3621(b)(4) have no binding effect on the authority of the BOP “to determine or change the place of imprisonment.”

1 Amaya states that due to his lack of resources, a year in a halfway house would assist
2 him in re-entry. He explains that he has had no disciplinary actions while in prison, and that he
3 has earned both his GED and associate's degree in business since sentencing. While the Court
4 commends Amaya for his efforts and progress toward rehabilitation, as a discretionary matter,
5 this order declines to make a recommendation to the BOP concerning halfway house placement.
6 The BOP is in a much better position than the undersigned judge to consider Amaya's request.
7 Amaya's request for a judicial recommendation for placement in a halfway house is accordingly
8 **DENIED.**

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10 **IT IS SO ORDERED.**

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12 Dated: April 6, 2018.


13 WILLIAM ALSUP
14 UNITED STATES DISTRICT JUDGE